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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,724	12/01/2000	Kiran Gurudutt Bellare	ORCL5672	5312

53156 7590 12/05/2006

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EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT PAPER NUMBER

2145

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

09/728,724

Applicant(s)

BELLARE ET AL.

Examiner

Azizul Choudhury

Art Unit

2145

All participants (applicant, applicant's representative, PTO personnel):

(1) Azizul Choudhury.

(3) Alan W. Young.

(2) Jason Cardone.

(4) _____.

Date of Interview: 30 November 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.
If Yes, brief description: agenda.

Claim(s) discussed: 1 and 35.

Identification of prior art discussed: Pearson (US Pat No: 6,023,684).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.


Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


JASON CARDONE
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The applicant contends that the Pearson art does not teach the claimed first and second server. The examiner explained what components of the Pearson prior art he felt were equivalent to the claimed first and second servers. The applicant also contends that the prior art doesn't have the second server provide a webpage. The examiner asked the applicant to include that argument in the response so that the matter can be looked into further and the examiner will make his determination at that point as to whether he agrees with the applicant or not. Plus, the examiner has agreed to address claims 1 and 35 independantly.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)	Examiner: Azizul Q. CHOUDHURY
)	
Kiran Gurudutt BELLARE et al.)	Group Art Unit: 2143
)	
Serial No.: 09/728,724)	Confirmation No.: 5312
)	
Filed: December 1, 2000)	Customer No.: 53156
)	
For: METHODS AND SYSTEMS FOR)	
RULE-BASED DISTRIBUTED AND)	
PERSONALIZED CONTENT)	
DELIVERY)	
)	<u>Proposed Agenda for Telephone</u>
)	<u>Examiner Interview</u>
Atty. Docket No.: ORCL5672)	
)	- Do Not Enter -

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

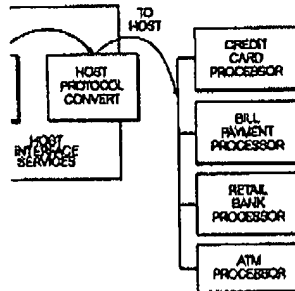
The following is a proposed agenda for the to-be-scheduled telephone interview with Exr. Chaudhury and Exr. Cardone.

During the upcoming interview, I propose to present arguments in support of the patentability of claims 1-20 and 23-44 and traversing the outstanding rejections under 35 U.S.C. §103(a) over Pearson (U.S. Patent No. 6,023,684) in view of McMichael (U.S. Patent No. 6,941,339).

In particular, I propose to present arguments drawn to the Examiner's "points of contention" 2-5, presented on pages 12-14 of the outstanding non-final Office Action of August 22, 2006.

Point of contention 2

The host in Pearson is shown to be a credit card processor, a bill payment processor, a retail bank processor or an ATM processor, as shown in Pearson's Fig. 6:



These servers are also variously called the "Back End Servers" (Fig. 2) or "back end system" or "Host System" in Pearson. The host system is coupled to the application service 14 via a host interface 20, as shown in Figs. 1 and 2 of Pearson. In turn, the application service 14 includes the application server 56 and the communication server 60 (Fig. 1, Col. 8, lines 10-16).

The Examiner contends that such are merely examples and that various services are applicable to Pearson's "design". Pearson, however, does not teach that these are merely

examples. Moreover, even if "Pearson's design" shown in Fig. 6 were in fact only examples, the Pearson reference (whether alone or in combination with the secondary reference) still does not teach or suggest the claimed embodiment.

Indeed, claim 1 recites:

retrieving user information corresponding to the user identification data from a database of user information accessible to the first server;
applying the retrieved user information to a rule base including a plurality of rules;
selecting content to be displayed on the second server's Web site based upon a result of the application of the retrieved user information to at least one of the plurality of rules, and
causing the Web site to display the selected content to the accessing computer.

At the outset, claim 1 calls for a method for a first server to select content to be displayed on a computer accessing a Web site of a second server. If Pearson's host ("Credit Card Processor," the "Bill Payment Processor", the Retail Bank Processor" and the "ATM Processor" or other) is the claimed second server, the rejection fails as Pearson does not teach or suggest any computer accessing any Web site of the "Credit Card Processor," the "Bill Payment Processor", the Retail Bank Processor" or the "ATM Processor." Moreover, in Pearson, there is no content that is selected by anybody "to be displayed on the second server's Web site," and much less any content that is selected "based upon a result of the application of the retrieved user information", as claimed and required by claim 1. In Pearson, the database server (also called the local data memory 16) simply works as a cache memory for pre-fetched data retrieved from the host system (the aforementioned "Credit Card Processor", the "Bill Payment Processor," the "Retail Bank Processor" or the "ATM Processor") to enable fast access thereto by the application server 56. "The data in the local data memory is used to process client requests without requiring real time

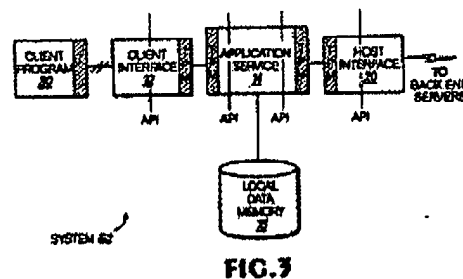
responses from the legacy database" (Col 4, lines 28-30). "Thus, local data memory 16 acts as a cache memory for user data during a logical session" (Col 7, lines 13-15).

The Examiner, still in "point of contention" 2, states that "data transferred to the client from the host conforms to HTTP, which makes evident that means for transferring a web site from the host to the client are present" and points to Col. 6, lines 44-50 in support of this contention.

However, Pearson does not teach that the data is transferred from the host conforms to HTTP. Indeed, Col. 6, lines 44-50 reads:

A system made in accordance with the principles of the present invention is shown in FIG. 1. System 10 includes one or more client interfaces 12 each of which communicates client requests and system responses with a client program 30 (FIG. 3) over a communication network, such as an open communication network like the Internet, in a known client communication protocol such as HTTP.

This is shown in Fig. 3:



→ Pearson does NOT teach or suggest that any HTTP exchanges are made between the client and the back end servers (see above Fig. 3) host system (the aforementioned "Credit Card Processor", the "Bill Payment Processor," the "Retail Bank Processor" or the "ATM Processor"). To assert otherwise is simply not supported by the objective teachings and suggestions of Pearson,

as Pearson does not teach or suggest that any of these servers a) has a Web site, b) has a Web site that is accessible to users, c) has a web site on which content to be displayed is selected based upon a result of the application of the retrieved user information to at least one of the plurality of rules.

Point of contention 3

Here, the Examiner argues, in essence that the Pearson-McMichael combination teaches/suggests applying the retrieved user information to a rule base including a plurality of rules and teaches/suggest selecting content to be displayed on the second server's Web site (what the Examiner has analogized to the aforementioned "Credit Card Processor", the "Bill Payment Processor", the "Retail Bank Processor" or the "ATM Processor" based upon a result of the application of the retrieved user information to at least one of the plurality of rules.

However, even if the secondary reference to McMichael discloses a rules engine, the applied combination fails. Indeed, the combination fails because a) no first server is taught to select content of a web site of the back end servers ("Credit Card Processor", the "Bill Payment Processor", the "Retail Bank Processor" or the "ATM Processor"), as required by the claim (see preamble), and because b) the pre-fetched data in the database server 58 of Pearson is never disclosed to be selected (by rules or any other mechanism) for display on a web site accessed by the user, as would necessarily be so, if the applied combination taught or suggested the claimed inventions. The data in the database server 58 is just pre-fetched information that is locally stored to facilitate quick access thereto. No selection is made on this data, by rules or otherwise. It is simply a locally cached copy of the data from the "Credit Card Processor", the "Bill Payment Processor", the "Retail Bank Processor" or the "ATM Processor" back end servers, accessed through the communications server and stored on the database server 58.

Point of contention 4

Claim 18 requires that the rule base be accessible to the merchant web server. The Examiner disagrees with the applicant, and states that, in essence, because the rule engine in McMichael is connected to the network ("which obviously features servers such as commercial web servers"), the rules engine is necessarily "accessible to the merchant web server", as claimed herein. McMichael teaches that rules are set by the user. That McMichael's rules engine is "connected to the network" and that "the network" may include servers is an insufficient basis on which to hang a §103(a) rejection because a) the primary reference does not teach any web site whose content is selected by "retrieving user information corresponding to the user identification data from a database of user information accessible to the first server; applying the retrieved user information to a rule base including a plurality of rules; and selecting content to be displayed on the second server's Web site based upon a result of the application of the retrieved user information to at least one of the plurality of rules", as claimed. The rules in McMichael are not accessible to the first server, and the primary reference does not teach that the second server's Web site displays content based upon a result of an application of retrieved user information to one or more rules, as required by the claims. If the Examiner's "fourth point of contention" were to stand, almost any functionality or accessibility could be ascribed to any server or any device coupled to "the network". This is akin to arguing that any server is accessible to anybody because it is "connected to the network". Plainly, this cannot and is not the case.

Point of contention 5

The Examiner again (see Appeal Brief filed in this case) disregards claim language and states that the claimed "traits" "integrate the selected content into the Web site controlled by the affiliate server (claim 18)", and "request for the personalized content from the accessing computer,

the accessing computer having accessed a Web page (claim 35)" are "deemed equivalent" to the claim 1 "trait" of "causing the website to display the selected content to the accessing computer". At the outset, there are no claimed "traits". Moreover, the Examiner must examine the claims as they are written and not impermissibly lump the claim recitations together or flatly declare that they are somehow "equivalent" to some other recitation in some other claim. The Examiner, in this instance, is incorrect as a matter of law. Substantively, the Examiner also states that the claimed recitations are simply "equivalent" to the last claimed step of claim 1; namely, "causing the website to display the selected content to the accessing computer", and cites Pearson at Col. 4, lines 43-65 as support for his contention.

Pearson, at Col. 4, lines 43-65 states:

In a more detailed aspect of the invention, the client interface includes personality logic for converting client requests and system response data between a client program protocol and an application service protocol. Specifically, presentation logic in the client interface organizes the system responses and prepares it for rendering at the user's computer. If the user's computer is executing a fat client program, such as a personal financial program like Quicken, the client program does most of the rendering processing and the personality logic need not perform much of the rendering processing. In user computer executing their clients, such as web browsers like Netscape Gold Navigator, relatively little rendering is performed by the client. As a result, the personality logic does most of the rendering in its generation of a description language, such as the HTML document or documents, returned to a user. In the preferred implementation, a plurality of client interface service applications are provided on a web server. Each client interface service may have a different personality logic and the selection of a client interface service for communication with a client program depends upon the types of client programs attempting to access the system.

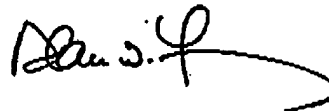
This passage basically states that presentation logic in the client interface prepares the system responses for rendering on the user's computer and that fat client programs do much of the rendering processing themselves, whereas thin clients such as browsers do relatively little

rendering processing. This does not even begin to teach or to suggest, for example, integrating selected content into the Web site controlled by the affiliate server, as required by claim 18.

With regard to claim 35, for example, no request for personalized content of any Web site is even hinted at in the applied combination. However, such a request forms the very first claimed step of claim 35. This step also requires that the accessed Web page include embedded code configured to send the request for personalized content to the first server. It is also apparent that the applied combination teaches nothing of the sort. The Office, moreover, has not even addressed this limitation, as it rejected each of the independent claims in bulk in a single paragraph of page 2 of the outstanding Office Action, and again in the Examiner's fifth "point of contention" without considering the actual claim limitations of each, as it must for a proper, tenable and defensible obviousness rejection. It is respectfully submitted that the Office is not at liberty to call differing claim limitations "equivalent" for the purpose making a one-size-fits-all §103(a) rejection. The claim limitations of each independent claim must be addressed.

I look forward to setting a date and a time that is convenient to both Exrs. Chaudhury and Cardone for a telephone interview to present these and other arguments.

Respectfully submitted,



Date: November 8, 2006

By: _____

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